

UNITED STATES DISTRICT COURT
SOUTHERN DISTRICT OF NEW YORK

MODERN LANGUAGE ASSOCIATION OF
AMERICA,

Plaintiff,

-v-

APPEARANCE PUBLISHERS et al.,

Defendants.

23-CV-3953 (JMF)

ORDER


JESSE M. FURMAN, United States District Judge:

Defendant Marat Melnyk appears to be in default.¹ Plaintiff shall file any motion for default judgment, in accordance with the Court’s Individual Rules and Practices for Civil Cases (available at <https://nysd.uscourts.gov/hon-jesse-m-furman>), **within two weeks of the date of this Order**. Plaintiff shall address in its filing the question of whether service was sufficient, including whether it satisfies due process. If Plaintiff’s counsel submits calculations in support of any motion for default judgment, Plaintiff’s counsel shall also email native versions of the files with the calculations (i.e., versions of the files in their original format, such as in “.xlsx”) to Chambers at Furman_NYSDChambers@nysd.uscourts.gov. If or when a motion for default judgment is filed, the Court will enter a further Order setting a deadline for any opposition and reply and scheduling a show cause hearing. If no motion for default judgment is filed by the deadline set forth above, the case may be dismissed for failure to prosecute without further notice to the parties.

Plaintiff shall serve a copy of this Order on Defendant Melnyk in accordance with the means of alternative service authorized by the Court, *see* ECF No. 27, **within two business days from the date of this Order** and shall file proof of such service **within three business days of the date of this Order**.

SO ORDERED.

Dated: October 23, 2023
New York, New York


JESSE M. FURMAN
United States District Judge

¹ Plaintiff has represented that, if it “is permitted to serve Melnyk via email, [it] intends to voluntarily dismiss its claims against the remaining defendants and pursue only its claims against Melnyk.” ECF No. 25, at 1-2.